

# PENTAGON RENOVATION PROGRAM (PENREN)

9 MAY 2001

## CONTRACTING OFFICER'S REPRESENTATIVE (COR)

PMP 99-33A

Policy OPR: Acquisition Policy Group

### 1.0 References.

- a. FAR Subpart 1.6, Career Development, Contracting Authority, and Responsibilities
- b. FAR Part 3, Improper Business Practices and Personal Conflicts of Interest
- c. FAR 32.702 and 32.703 (USC 1341, Anti-Deficiency Act)
- d. FAR Subpart 42.3, Contract Administration Office Functions
- e. DFAR 201.602-2 Responsibilities (of the COR)
- f. DODINST 5500.7R, with Changes 1-4, re Standards of Conduct and Conflict of Interest
- g. Change Management Directive 00-05

**2.0 Applicability.** This policy applies to all members of the PENREN Program.

**3.0 Policy.** The COR will have written authority, consistent with the references above, derived from the Contracting Officer (KO). See enclosure 1. COR authority may not be redelegated.

CORs will avoid conflicts of interest and even the appearance of a conflict of interest. Conduct will be in strict accordance with DODINST 5500.7R with changes 1-4.

The COR is normally a Government employee, however, a PENREN support contractor (e.g. DMJM-3D/I) employee may be designated as a COR.

The KO may appoint the COR as an Ordering Officer for Field Changes, in accordance with PMD 00-05. The COR appointment letter will include the delegation of this additional authority when appropriate.

**4.0 Process.** The responsible supervisor will prepare the COR Nomination Memorandum and forward it to the KO. The Nominee Qualification Record will accompany the Nomination Memorandum. See enclosure 2 for the Qualification Record and the Memorandum.

Appointments will normally be for the duration of the contract. A copy of the COR appointment letter and Nomination Memorandum will be retained in the contract and COR files. The KO will send a copy of the appointment letter to the contractor.

COR, Ratification, and Ethics or Standards of Conduct training will normally be completed prior to appointment. This training requirement may be met by training completed within two years prior to the contract award date. Classroom training is preferred; however, self-paced on-line internet courses from the Federal Acquisition Institute may satisfy this requirement on an interim basis. The KO may waive training in a written determination.

**5.0 Effective Date.** This policy is effective immediately and supercedes PMP 99-33.

2 Enclosures:  
As stated

  
Walker Lee Evey  
Program Manager

**COR APPOINTMENT LETTER**

MEMORANDUM FOR: (Insert name and organization of COR)

SUBJECT: Appointment of COR (and/or Ordering Officer)  
Contract Number: (Insert number)

DATE: (insert date)

1. You are hereby appointed the Contracting Officer's Representative (and Ordering Officer for Field Changes) for Contract Number (contract number) with (contractor's name), for (describe item, project, or service from contract).
2. As COR, your duties include providing the Contractor with technical and administrative instructions, milestones to be met within the terms of the contract, and any other instructions of a technical or administrative nature necessary to perform the work specified in the contract.
3. CORs do not have the authority to issue orders, except for Field Changes, or to direct the contractor in any way that could be construed as making a contractual change. This includes any statement, oral or written, which might alter the price, delivery schedule or terms of the contract or Statement of Work. CORs do not have the authority to direct the contractor 'how' to perform, but only 'what' of a technical or administrative nature is required. If you are unsure whether specific instructions fall within your purview as COR, please contact the Contracting Officer (KO) before giving instructions to the contractor.
4. During surveillance of the contract performance, extreme care must be taken to assure that the line of 'personal services' is not crossed. The difference lies in the distinction between surveillance, which is proper and necessary, and supervision, which is illegal. Surveillance becomes supervision when the contractor is told 'how' to perform the contract. COR supervision of the contractor is not authorized.
5. As Ordering Officer you are authorized to issue Field Changes not to exceed \$5,000 in accordance with PMD 00-05. (If appointment is not required, delete the sentence.)
6. Specific COR duties include, but are not limited to:
  - a. Serving as the technical and administrative contact through whom the contractor can relay questions and problems to the Contracting Officer.
  - b. Monitoring the contractor's performance to ensure that inefficient and/or wasteful methods are not being utilized and, if they are, taking reasonable and timely action to alert the Contracting Officer.
  - c. Reviewing and evaluating contractor estimates to perform work under the contract, and furnishing comments and recommendations to the KO, as appropriate.

- d. Conducting surveillance of contractor performance to determine that the percentage of work performed reasonably corresponds to the percentage of funds expended, and alerting the KO to any perceived differences.
  - e. Reviewing the contractor's monthly progress and financial reports and coordinating information with PENREN team members and customers.
  - f. Alerting the KO immediately of potential performance problems. If performance schedule slippage is identified, determining causative factors and working with the KO on actions required to eliminate or overcome the causes and recover the slippage, if feasible. And further, monitoring the recovery according to the agreed upon plan and reporting significant problems to the KO.
  - g. Furnishing the KO with any contractor requests for changes, deviations, or waivers. This may require you to prepare supporting analysis or other documentation and obtain the recommendations of the technical staff.
  - h. Providing written certification of the inspection and acceptance of services performed, deliveries effected, and work completed, including a statement of completion. Furnishing a copy of the inspection and acceptance certification (DD Form 250) to the KO.
  - i. Submitting to the KO a written evaluation of the performance of the contractor and a statement as to the uses made of any property or data furnished under the contract.
  - j. Participating in the preparation of the Contractor Performance Evaluation Reporting in accordance with PMD 99-07B.
  - k. Maintaining a permanent contract file. This file will include a copy of the contract, modifications, correspondence, minutes and documentation of meetings and conferences, and other relevant correspondence and documents. These files may be included in the official contract files. The file will also include copies of your COR Nomination Memorandum, letter of appointment and acceptance, record of qualifications, and certification of mandatory current training. This file may consist of hard, electronic data entry, and audio or video copies. In the absence of an electronic signature, copies requiring signature will be in hard copy.
  - l. Assisting with the Close Out procedures when the contract is complete.
7. Specific Ordering Officer duties include only those assigned by the PMD 00-05, Change Management.
8. The duties and responsibilities set forth herein are not intended to be all-inclusive. As specific situations arise that have not been covered or that have created questions, please consult with the KO and agree on procedures which are in the best interest of the Government.
9. Relationships between contractors and CORs must be beyond reproach. Therefore, strict

Compliance, with DODINST 5500.7R with Changes 1-4, is required regarding Standards of Conduct and Conflict of Interest. Specifically, should you gain or hold a financial interest that would place you in a position of real or perceived conflict of interest, you will inform me immediately. If you are not familiar with these instructions, please read them as soon as possible. If you need copies, please contact the undersigned or the Office of the Administrative Management Group Leader.

10. This appointment is effective through the duration of the contract, unless otherwise terminated.

11. You must have completed a formal COR training course and provided a Certificate of Training to the undersigned. CORs will also attend PENREN COR, Ratification, and Ethics and Standards of Conduct training. Refresher training is required annually.

12. COR authority may not be redelegated. Some duties of the COR may be assigned in writing to contract monitors. A copy of these assignments must be provided to the KO. Such assignments do not relieve the COR of assigned responsibilities.

13. No change in COR assignments shall be made without written notice from the KO. A new letter of appointment will be processed by the KO and the contractor notified of any changes in COR assignment or COR responsibilities.

\_\_\_\_\_  
Contracting Officer

Date: \_\_\_\_\_

cc: Contractor  
Contract File  
COR File

### **COR ACKNOWLEDGEMENT**

Receipt is acknowledged. I have reviewed and understand the assigned duties and responsibilities involved in this appointment. I certify that I have no financial, organizational, or other Conflict of Interest with regard to this appointment. My Nomination Memorandum and Nominee Qualification Record is in the COR file, together with my Certification of Training. I will return the original of this letter with my signature to the KO and maintain a copy in COR file.

\_\_\_\_\_  
(Signature of the COR)  
(Type or print name, grade/rank, telephone, Email address)

\_\_\_\_\_  
Date

# **COR NOMINATION MEMORANDUM**

MEMORANDUM FOR: (Insert name of Contracting Officer)

SUBJECT: Nomination of (name of nominee) for Contracting Officer's Representative (COR)

1. Request the above-named individual be appointed COR for contract (insert number of contract) awarded to (insert name of contractor) and (add, as appropriate, any other relevant information).
2. The qualifications of the above named individual have been reviewed and evaluated. See COR Nominee Qualification Record attached. This individual is fully qualified to be COR for the above contract.
3. Mandatory training has been accomplished or scheduled, as required.

Attachment: a/s

Name  
Title

---

## **COR NOMINEE QUALIFICATION RECORD**

1. Name: (name of COR nominee)
2. Rank or Grade, Title and Position: (information concerning nominee)
3. The following information is furnished:
  - a. (describe previous experience as CO, COR, or Ordering Officer)
  - b. (describe qualifications for COR)
  - c. (cite date, duration, and certification of COR and Ethics or Standards of Conduct training) (Normally training will have been completed prior to appointment and within the past two years)
  - d. (describe current duties)
  - e. (list relevant civilian/military education)
  - f. ( make a statement that no organizational or financial conflict of interest exists)
  - g. (supply name and address of employer, when applicable)
  - h. (additional comments, as necessary)

Signature of Nominee for COR  
Title